

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

NICHOLAS HARRISON, ET AL.,

PLAINTIFFS,

V.

MARK T. ESPER, ET AL.,  
DEFENDANTS.

CIVIL ACTION NO. 1:18-CV-00641

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Plaintiffs Nicholas Harrison and the Modern Military Association of America (“MMAA”) (collectively, “Plaintiffs”) move for summary judgment. As elaborated on in Plaintiffs’ memorandum in support, Defendants’ refusal to commission Plaintiff Nicholas Harrison based on his HIV status, and the policies and practices underlying that decision, including Defendants’ categorical bar to the contingency deployment of service members with HIV, violate the equal protection components of the United States Constitution. Accordingly, Plaintiffs’ motion for summary judgment should be granted.

Dated: May 4, 2020

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Respectfully submitted,  
*/s/ John W. H. Harding*

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## **CERTIFICATE OF SERVICE**

I certify that, on the 4th day of May, 2020, I caused this document to be filed electronically through the Court's CM/ECF system, which automatically sent a notice of electronic filing to all counsel of record.

Dated: May 4, 2020

Respectfully submitted,

/s/ John W. H. Harding  
John W.H. Harding